

*(Continued from 3rd page.)*

the streets, avenues and crosswalks of the village;

11. For lighting the street;

111. For the current and incidental expenses of the village, and such other expenses as may be incurred in carrying into effect the provisions of this act;

14. For the payment of any indebtedness of the village, or any interest of the same.

19. And be it enacted, That the board of trustees shall have power to borrow money from time to time, for all purposes, for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of four thousand dollars; and for any special purpose, such as the laying out, opening, vacating, straightening, altering or widening of any street or highway or the altering of the grade of any street or highway, or any part thereof, in anticipation of assessments for such improvement, to an amount not exceeding the cost of such improvement, and for any period not exceeding the term of two years; and to secure the payment of such loans by bond or other instrument sealed with the common seal of said village, and signed by the village president and clerk; and that the said board of trustees shall also have power, for the general purpose of paving and repaving, macadamizing or remacadamizing the principal streets and highways (which shall be under the control of said trustees) with Teldorf or other stone pavement, to borrow money from time to time as the same may be actually required, in any sum or sums not exceeding in all the cost of such improvement, and to secure the payment of the same by bonds to be sealed with the common seal of the said village, and signed by the village president and clerk, and countersigned by at least three of said trustees, said bonds to be known as "Irvington Village Improvement Bonds" and to bear interest at the rate of seven per centum per annum and the principal thereof to be paid as said trustee may direct.

OFFICERS APPOINTED BY THE BOARD.

20. And be it enacted, That the board of trustees shall at their discretion and from time to time, appoint and remove one overseer of streets, one constable, one pound-keeper and one judge of election, and such other officers or agents as they may deem necessary to enable them to carry into effect the provisions of this act, and that every person so appointed shall be a resident and legal voter of the village, and shall continue in his office until he shall be removed, or until another person shall be appointed to succeed him, and shall enter upon the duties of said office, and all such officers so appointed shall, besides the powers and duties herein or by any ordinance of said board of trustees specifically conferred or imposed upon them, respectively possess the powers and perform the duties of like officers of any township of this state, be qualified and enter upon their offices in the same way and be entitled to receive such compensation, in addition to the fees allowed such like officers by any general law or laws of such state, as may be determined by said board of trustees.

THE VILLAGE CLERK.

21. And be it enacted, That the village clerk as the clerk of the board of trustees shall attend all of their meetings and keep a true and full record of all their proceedings, he shall have the custody of the seal and of all the books and papers belonging to the village or which may be filed in his office; he shall engross all ordinances and by-laws passed by the board of trustees in a book kept by him for that purpose; he shall countersign and keep an accurate record of all warrants for the withdrawal of monies from the village treasurer, and shall also countersign and seal all bonds or other obligations for the payment of monies by the village under the direction of the board; he shall overrule any appeal to the village treasurer daily all monies belonging to the village which may come into his hands, he shall record and carefully index in books prepared for that purpose all certificates and declarations of sale of lands and real estate for unpaid assessments; and shall cancel the said certificates when the said lands and real estate shall be redeemed; he shall give to all persons who may apply for the same certificates of search in such records, receiving a fee of one dollar in each case for such certificates, declarations and redemptions of and from sales of lands and real estate, and said certificates of search, when verified by the common seal of said village shall be conclusive evidence against said village as to the truth of all matters and things stated therein; as clerk of elections he shall perform the duties as specified in section fifth, and he shall also discharge such other duties as may be required of him by the board of trustees.

THE VILLAGE TREASURER.

22. And be it enacted, That the village treasurer shall keep all monies received by him in behalf of the village and deposit weekly in some bank, to be designated by the warrant of the village president, countersigned by the village clerk, and made in pursuance of the order of the board of trustees; he shall keep an accurate account of his receipts and disbursements, and shall report the same to the board of trustees as often as they shall direct; and his books and vouchers shall always be open to the inspection of the village president, or any member of the board of trustees, and at all reasonable hours to the inspection of any taxpayer; and he shall also perform such other duties as may be required of him by subsequent sections of this act, in relation to the sale and redemption of land and real estate for unpaid assessments, and the payment or tender of payment of damages assessed in favor of the owner of lands and real estate taken for damage by any improvement.

THE COMMITTEE OF ASSESSMENTS.

24. And be it enacted, That the said board of trustees shall from time to time at their discretion, appoint and remove three persons, who shall be freholders in said village at the time of their appointment, and shall also have been resident therein for two years next prior to their appointment, who shall be called commissioners of assessment, and who shall be known and constituted the committee of assessments and whose duty it shall be to assess as fairly, honestly and impartially as may be, damages in favor of the owner or owners of any lands or real estate, that shall be taken for or damaged by any general or local improvement, hereinbefore mentioned, and to assess the said damage or the expense of any such improvement as the case may be, fairly, honestly and impartially, upon the owner or owners of any lands or real estate along the line of the street, ave-

nue or section of the same so improved which in the opinion of said committee, will be benefited thereby, in proportion to the benefit; provided no commissioner shall sit in any case where he is in any way personally interested in the assessment which is to be made, in which case said board of trustees shall appoint one or more persons as may be required, who shall however, possess the qualifications aforesaid.

THE ASSESSMENT AND COLLECTION OF TAXES.

25. And be it enacted, That it shall be the duty of the village clerk to transmit to the assessor of the township of Clinton within ten days after the passage of the same, a copy of any ordinance or ordinances which may be passed by the board of trustees for raising any sum or sums of money by tax, according to the eighteenth section of this act; it shall then be the duty of the said assessor to assess the said sum or sums upon the personal and real property liable to taxation within the limits of said village, and the duty of the collector of the said township to collect the same in the same manner and at the same time that the taxes in the said township of Clinton are assessed and collected; provided that no tax for the expenses of the commissioners to lay out streets, avenues and public squares in the township of Clinton and for other purposes (according to an act passed February nineteenth, one thousand eight hundred and twenty and seven, or any supplement thereto), shall be assessed and collected within the limits of said village, and shall be entitled to receive from the said board of trustees, by a report in writing, signed by two of their number, said report shall be accompanied by a map showing the lands and real estate taken for or damaged by said improvement, and for which they have assessed damages, and also any lands and real estate benefited in their opinion, by said improvement; and upon which they have made any assessment, for either the benefits or expense of said improvement; such report and map may be considered by the board of trustees at any meeting, of which at least two weeks' previous notice shall have been given by the village clerk, posted in five public places in said village, and also served in person by the said clerk upon the land owner or owners named in said report, if resident in said village, or if not residents, by mailing a copy of said notice to such owner or owners, directed to them at their post office address, if the same can be ascertained, and by posting the same conspicuously upon some part or parts of said lands, the affidavit of said clerk shall be conclusive as to the manner of such service and shall be attached to said report as a part thereof; said notice shall briefly state the object of the meeting with reference to said assessments, at that or any subsequent meeting, the said board of trustees after considering the said report and map, shall and may adopt and ratify the same with or without alteration, as to them may seem proper; it shall be lawful for the said board to refer the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be adopted and ratified, with or without alteration, the same shall be final and conclusive upon all parties, except as to such assessment from which appeals may be taken, as hereinafter provided, and such compensation shall be paid to the commissioners of assessments for any services so rendered by them, as shall in each case be determined by a resolution of the board of trustees.

THE MAKING OF IMPROVEMENTS.

31. And be it enacted, That when any ordinance shall be presented to the board of trustees for making any improvement, general or local, such as laying out, opening, widening, straightening, vacating or otherwise improving any street, avenue, or section of the same in the said village, or any sidewalk, crosswalk or gutter thereof, public notice of such contemplated improvement shall be given by the village clerk, by posting a copy of the proposed ordinance for at least two weeks before the meeting of the board of trustees, at which such ordinance shall be considered, in five public places of said village, which notice shall state the time and place of the said meeting of the board, at which they will proceed to consider the said ordinance; at such meeting ample opportunity shall be given to all parties in favor of or opposed to said improvement to present their views with reference to the same, either in writing or otherwise, as the board of trustees shall at the time direct, and the board shall in their discretion adjourn from time to time for a further consideration of the matter.

32. And be it enacted, That any ordinance which may be passed by the board of trustees for any of the aforesaid improvements, shall be accompanied by a map prepared under the direction of the board of trustees, showing the location and character of the improvement, the lands and real estate, if any, to be taken therefor, and the name or names, as far as possible, of the owner or owners of such lands and real estate, which map shall be filed in the office of the village clerk.

33. And be it enacted, That any and all of the aforesaid improvements shall be made by contract, under the direction of the board of trustees; that the contract shall public in the usual form of contracts for public works, and that the contract shall be awarded to the lowest bidder; provided, he can give sufficient security for the faithful and prompt performance of the same, otherwise the lowest bidder who can give sufficient security shall be awarded the contract; provided also, the owner or owners of the property to be improved shall have the liberty of doing the work, under the direction of the board of trustees; the board, however, may reserve the right to reject any and all bids.

ASSESSMENTS FOR IMPROVEMENTS.

34. And be it enacted, That as soon as may be after the completion of any such improvement, the expense thereof, including surveying, when required, and a moderate allowance, to be determined by the board of trustees, for the cost of making both of the assessments hereinbefore provided, shall be ascertained and determined by the said board, and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall hereafter be treated as, and held to be, the true and actual expense of making such improvement.

35. And be it enacted, That when any such ordinance or resolution in relation to any such improvement shall be passed by the said board, and the same shall be

the board of trustees, a copy thereof, attested by the village clerk, shall, without delay, be handed by him to the committee of assessments, or any member thereof who shall thereupon appoint a time and place of meeting for hearing the parties interested in such improvements; and the said clerk shall forthwith give public notice of the time and place of such meeting in five public places in the said village, two weeks prior thereto; and the nature and object of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.

36. And be it enacted, That the said committee of assessments shall attend at the time and place aforesaid; two of them shall be a quorum for the transaction of business, and sufficient to make any assessment, but one member shall have power to adjourn any meeting; the committee may adjourn from time to time; they shall give all parties interested in or affected by the improvement ample opportunity to be heard upon the subject of the assessment; they shall view the premises, and have power to examine witnesses under oath or affirmation, which may be administered by one of them; they shall in manner aforesaid assess the said damages, benefits or expenses, as the case may be, separately along the line of said street, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken, damaged, or benefited; they shall certify their said assessments to the board of trustees, by a report in writing, signed by two of their number; said report shall be accompanied by a map showing the lands and real estate taken for or damaged by said improvement, and for which they have assessed damages, and also any lands and real estate benefited in their opinion, by said improvement; and upon which they have made any assessment, for either the benefits or expense of said improvement; such report and map may be considered by the board of trustees at any meeting, of which at least two weeks' previous notice shall have been given by the village clerk, posted in five public places in said village, and also served in person by the said clerk upon the land owner or owners named in said report, if resident in said village, or if not residents, by mailing a copy of said notice to such owner or owners, directed to them at their post office address, if the same can be ascertained, and by posting the same conspicuously upon some part or parts of said lands, the affidavit of said clerk shall be conclusive as to the manner of such service and shall be attached to said report as a part thereof; said notice shall briefly state the object of the meeting with reference to said assessments, at that or any subsequent meeting, the said board of trustees after considering the said report and map, shall and may adopt and ratify the same with or without alteration, as to them may seem proper; it shall be lawful for the said board to refer the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be adopted and ratified, with or without alteration, the same shall be final and conclusive upon all parties, except as to such assessment from which appeals may be taken, as hereinafter provided, and such compensation shall be paid to the commissioners of assessments for any services so rendered by them, as shall in each case be determined by a resolution of the board of trustees.

37. And be it enacted, That any person or persons, feeling himself or herself or themselves to be aggrieved by any such assessment of damages for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption of said report by the board of trustees, and said court shall thereupon order a trial by jury to assess such damages anew, and said trial shall be conducted as in other cases of trial by jury; provided, that the completion of said improvement shall not be delayed thereby, and that the board of trustees may proceed therewith as though said appeal had not been taken.

38. And be it enacted, That before any such improvement shall be carried into effect, it shall be the duty of the village treasurer, under the direction of the board of trustees, to pay or tender unto the owner or owners of lands and real estate taken therefor or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them, respectively; provided, that if such owner does not reside in said village or is in any way incapacitated to receive such damages, or if such owner or owners will not accept such damages and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of the fact, and file the same with the village clerk; and the board of trustees shall, after inquiry, direct the amount or amounts of said damages to be placed in a place of safe deposit for the use of the person or persons to whom the same may be due, and the same shall be paid to him, her or them when duly authorized to receive the same without interest; and provided also, no tender shall be necessary in any case where the persons which may be assessed against the owner or owners are equal to or exceed the amount of damages assessed to him, her or their favor, and a tender of the difference between the assessments and the amount of benefits assessed, shall have the same binding force and effect as a tender of the whole amount of the assessments for damages.

39. And be it enacted, That when any such ordinance shall be presented to the board of trustees for making any improvement, general or local, such as laying out, opening, widening, straightening, vacating or otherwise improving any street, avenue, or section of the same in the said village, or any sidewalk, crosswalk or gutter thereof, public notice of such contemplated improvement shall be given by the village clerk, by posting a copy of the proposed ordinance for at least two weeks before the meeting of the board of trustees, at which such ordinance shall be considered, in five public places of said village, which notice shall state the time and place of the said meeting of the board, at which they will proceed to consider the said ordinance; at such meeting ample opportunity shall be given to all parties in favor of or opposed to said improvement to present their views with reference to the same, either in writing or otherwise, as the board of trustees shall at the time direct, and the board shall in their discretion adjourn from time to time for a further consideration of the matter.

40. And be it enacted, That any ordinance which may be passed by the board of trustees for any of the aforesaid improvements, shall be accompanied by a map prepared under the direction of the board of trustees, showing the location and character of the improvement, the lands and real estate, if any, to be taken therefor, and the name or names, as far as possible, of the owner or owners of such lands and real estate, which map shall be filed in the office of the village clerk.

41. And be it enacted, That any and all of the aforesaid improvements shall be made by contract, under the direction of the board of trustees; that the contract shall public in the usual form of contracts for public works, and that the contract shall be awarded to the lowest bidder; provided, he can give sufficient security for the faithful and prompt performance of the same, otherwise the lowest bidder who can give sufficient security shall be awarded the contract; provided also, the owner or owners of the property to be improved shall have the liberty of doing the work, under the direction of the board of trustees; the board, however, may reserve the right to reject any and all bids.

42. And be it enacted, That any assessment for any improvement, whether for the benefit of the village, or any member thereof, or any person having a legal or equitable interest in any lands or real estate sold as aforesaid, may be redemned the same at any time within three years thereafter, by paying the village treasurer, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice to the office of the said village treasurer, together with interest at the rate of two per centum per month, upon such purchase in money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices aforesaid; and the said treasurer, in virtue of this act, shall have the right, by virtue of succession to an interest in the said lands or real estate so sold, to require the payment of such purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice to the office of the said village treasurer, together with interest at the rate of two per centum per month, upon such purchase in money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices aforesaid; 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